

T H E
Duties of Constables, Bor-
sholders, Tythingmen, and
such other lovve Mini-
sters of the Peace. 1482 a a a 16

Whereunto be also adioyned the seuerall of-
fices of Churchwardens. of Surueyours for amend-
ing the highvayes : of Distributors of the prouision
for noysome Foule and Vermin : of the Collectors,
Ouerseers, and Gouvernours of the Poore : and of the
Wardens and Collectours for the houses of Cor-
rection.

First penned by WILLIAM LAMBARD
of Lincolnes Inne Gent. 1582. and
nowe enlarged by the same
Author. 1594.



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1594

THE HISTORY OF THE
COUNTY OF TYNSINGTON

AND THE TOWNS OF
TYNSINGTON, TYNSINGTON, TYNSINGTON

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*The dueties of Constables,
Borsholders, Tythingmen,
and such other low mini-
sters of the Peace.*



Understanding I
by many friends **The pre-**
of mine, that ma- **face.**
ny well disposed
men do earnestly
with, that some
one short & plaine
collection might
be made of the dueties of high Constables,
petie Constables, Borsholders, Tything-
men, Headborowes, and such like inferior
ministers of the Queens Maiesties peace:
to the end, that when any of them should be
called to any of the saide offices (or the like)
they might the better behaue themselves in
doing the same: I haue thought it a thing
worthy the labour, to send abroad among
them this little treatise, which I haue dra-
wen to satisfie in some part their honest de-
sire: hartly praying vnto God, that as their
knowledge may be increased in the reading
herof,

4 The duties of Constables,

heretofore, so also their diligence may be amended in the discharge of the same, to the setting forth of the glory of God, and to the advancement of the Queenes Majesties service in this behalf.

The division of this worke

2. And because I purpose (by the helpe of God) to make this worke so short, and so plaine withall, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned men doth require: I will first speake somewhat both of the sundrie names and beginnings of these Officers, & then afterward I will geve hand with the parts of their severall duties.

The names of these officers.

3. The sundry names of Constables, or high Constables, that be of Lathes, Rapes, Wapentakes, Hundreds, & Franchises: and the severall names also of Constables, peery Constables, Tythingmen, Borsholders, Bordeheads, Headboroes, chiefe Pledges, and such other (if there be any) that beate office in towns, parishes, hamlets, tythings or borowes (so) of Constables of Castles, otherwise called Castellanes, & such others, I meane not to intreate) are all (in effect) but two, that is to say, Constables, & Borsholders: for these two words do containe as much as all the rest of those names, and to those two all the rest of them may be reduced: and therefore in speaking generally of those two, I will passe along and touch

touch all the rest also.

4. The name Constable; is made (as I have read) of two English wordes put together, namely, Cuning. (or Cyng) and Staple, which do signifie, the stay (or hold) of the king. For by the ancient custome of this realme, there is a great officer, called the Constable of England, who by meanes of the hie authoritie that he had, was a principall stay unto the Kings government; and this man had jurisdiction and authoritie in deedes of Armes and matters of war, both within and without the Realmes. Out of which office, this lower Constableshipp was at the first drawn & fetched, and is (as it were) a very finger of that same hand.

For the statute of Winchester, which was made in the tyme of King Edward the first, and by which these lower Constables of Hundreds and Franchises were first ordained, doeth (amongst other things) appoint, that for the better keeping of the peace, two Constables in every Hundred and Franchise should make the view of Armour.

So then y name of Constable in a Hundred or Franchise doth mean, that hee is an Officer, that supporteth the Queenes Maiestie in the maintenance of her peace, within the precinct of his hundred or franchise; and he is many times called the High Constable, in comparison of the Constables,

13. 7. 2.
cap. 12

13. E. 1

6 The duties of Constables,

or petie Constables, that be in the townes
or parishes within his Wintres or Fran-
chise: whole part it likewise is, to maintaine
the peace within the severall limits of their
owne townes or parishes.

Worshol- 5 As concerning Borsholder, (which is
ders name the other generall name, and doeth containe
within it the meaning of Tythingmen, Bo-
rowheads, Headborowes, Thirdborows,
and chiefe Pledges) that also is made up
of these two English wordes, Borhes, and
Balder, of the which Borhes betokeneth
Pledges, and Balder signifieth the Chiefe,
the Head, or the Balder: and Borshesal-
der in one word, doeth mean the chiefe (or
head) of the societies or pledges.

His two 6 But now, that you may the better un-
derstand what is meant by this, you must
further knowe, that every of these Bor-
sholders, Tythingmen, Borrowheads,
Headborowes, Thirdborows, and chiefe
Pledges, hath two severall offices at this
day: the one being his ancient and first of-
fice, and the other his latter made office.

His first 7 His first office beganne thus: by the Archaie-
office, ancient lawes of this realme (before the nomia,
coming in of King William the Conque-
rour) it was ordained, for the more sure
keeping of the peace, and for the better re-
pressing of thieves and robbers, that al free
borne men should call themselves into se-
uerall

uerall companies, by tenne in each companie : and that euery of those tenne men of the company, should bee Suretie and Pledge for the sooth-coming of his fel- lowes : so that if any harme were done by any of these tenne, against the peace, then the rest of the tenne should be amerced, if he of their company that did the harme should flie, and were not sooth-coming to answer to that wherewith he should be charged.

And for this cause, these companies bee yet in some places of England (and name- ly with vs in Kent) called Boroes, of the saide word Borhes, Pledges, or Sure- ties : albeit in the westernne partes of the Realme they be commonly named Ty- things, because they containe (as I told you) the number of tenne men with their families. And euen as tenne times tenne doe make an hundred : so, because it was then also appointed, that tenne of these companies shoulde at certaine times meet together for their matters of greater weight, therefore that generall assembly (or court) was (yet is) called a Hundred.

Furthermore it was then also ordained, that if any man were of so euill credite, that hee could not get himselfe to be receiued in- to one of these Tythings or Boroes, then he should be shut vp in prison, as a man un- worthy

8 The duties of Constables,
worthy to live at libertie, amongst men a-
broad.

Tithings-
man.
Headbo-
row, &c.

8 Whereas every of these Ty-
things (or Boroe) did use to make choise of
one man amongst themselves, to speake,
and to do, in the name of them all: hee was
therefore in some places called the Tithing-
man, in other places the Boroës Falder,
(whom we now call Borsholder) in other
places the Boroëhead or Headborow, and
in some other places the chiefe Pledge,
which last name doth plainly expound the
other three that are next before it: for Head
or Elder of the Boroës, and chiefe of the
pledges, he all one. And in some shires,
where every Thirdborow hath a Consta-
ble, there the Officers of the other two be
called Thirdborowes.

Old or-
ders in
tithings.

9 Moreover, in these Tythings, (or Bo- Itin, Kane,
roes) sundry good orders were observed,
and amongst others: first, that every man
of the age of 12. yeeres should be sworne to
the King: then that no man should be suf- Vid. 45
fered to dwell in any towne or place, unless Ed 3. 27
he were also receiued into some such surety Et Kitch.
ship and pledge as is aforesaid. Thirdly, fol. 12
that if any of these pledges were impriso-
ned for his offence, then hee ought not to
be deliuered without the assent of the rest
of his pledges. Again, that no man might
remoue out of one Tything (or Boroë)

to dwell in an other, without lawfull warrant in that behalfe. Lastly, that euery of these pledges shoulde yeerely be presented and brought forth by their chiefe pledge at a generall assembly for that purpose, which we yet in remembrance thereof do call, the Viewe of Franke pledge, or the Lectecourt.

IO Hitherto I have opened the ancient office of the *Borsholder, Tythingman*, & the rest, whereof also there is yet to this day some shew or remnant in our Leetes or Law dayes: but if the very substance thereof were thoroughly perfourmed (as I know no let, but that by law it may) the shoulde the peace of the land bee much better maintained then now it is.

As touching the latter office that these ^{this latter} *Borsholders, Tythingmen, Headboroos,* ^{office.} *Boroheads, Thirdboroos,* & chiefe pledges haue, it is in maner al one with y^e office of a Constable of a towne, or parish, which is commonly named a petie Constable, or vnder Constable, because he is a smal Constable, in respect of the Constable of his hundred, within whose limit he is. If or, as about the beginning of the raigne of King Edward the third petie Constables were deuised in townes and parishes for the aide of the Constables of the Hundred: so of latter times also, *Borsholders, Tythingmen,*
Head

10 The duties of Constables.

Headborowes, and such like haue bin vnto
as petie Constables. Within their otine bo-
roes and tythings. And yet not so vniuer-
sally, but that some of them haue at this
day none other but their olde office. For in
some of the westerne parts of England, you
shal see, that where ther be many Tything-
men in one parish, there onely one of them
is a Constable for the Queene, and the rest
doe serue but as the ancient Tythingmen
did. Nowe therefore, hauing spoken of the
names and beginnings of these inferiour
Officers of the Peace, let vs also come to
the parts of their common and seuerall du-
ties.

Division
of their
office.

II Forasmuch as a great and chiefe
part of the duety both of these high Consta-
bles, of Lathes, Rapes, Mapentakes,
Hundredes, and Franchises: & also of these
Constables, petie Constables, Tything-
men, Bortholders, Borrowheads, Head-
borowes, Thirdborowes, chiefe Pledges
and such like ministers, by whatsoeuer o-
ther names they be called in any Townes,
Parishes, Tythings, Borrowes, Ham-
lets, or other places of the Realme, doth
consist in the maintenance of the Queenes
Maiesties peace, whereto (as also in some
other points) the power of them al is a like,
and but one, within their seuerall limites
and places of authoritie: therefore I doe
thinke

Borholders, Tythingmen, &c. II

thinke it good to shewe, first what their common and equall duetic is in matters concerning the Peace, either by their own authoritie, or vnder the authoritie of others: then after ward to declare what their common and like duetic is in some other things not concerning the Peace: lastly, to open those things wherein they haue a distinct and seuerall duetic, one from an other of them.

12 The Conseruation (or maintenance) Their of-
of the peace, standeth in three things, that sice cons-
is to say, first, in foreseeing that nothing bee cerning
doone that tendeth either directly, or by the peace.
meanes, to the breach of the Peace: second-
ly, in quieting or pacifying those that are
occupied in the breach of the Peace: and
thirdly, in punishing such as haue already
broken the peace.

And heere, lest any man should be decei- What is
ued in not vnderstanding what is meant by the breach
these wordes, The breach of the Peace, of the
he must first of all know, that by the breach peace.
of the peace, is vnderstoode, not onely that
fighting which we commonly cal the breach
of the peace, but also, that euery murder,
rape, manslaughter, and felonie whatloe-
uer, and euery affraying (or putting in
feare) of the Quenes people, whether it
be by unlawfull wearing of armour, or by
assembling of people to doe any unlawfull
act,

12. The duties of Constables.

act, are taken to be disturbances or breaches of the peace.

To prevent
things
against
the peace.

13. But notwithstanding for the better preventing that nothing be done against the peace, any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, and sleepe in the day: or which do haunt any house, where is suspicion of bawberie: and they may carry them before a Justice of the Peace, to finde sureties of their good behaniour. And if any such Officer be not of sufficient strength to doe that alone, then may he take meete aide of his neighbours thereto: and they, in such cases, be compellable to help and assist him. 13.H.7
10.Cur.
Fitz.in
Just Del.
P.171

Any of these Officers may also arrest such strange persons as do walke abroad in the night season: and for that cause the said statute of Winchester ordained, that night watches shuld be kept yearly from the feast of the Ascension until Michaelmas, by six men at euery gate of euery citie, by twelve men in euery Borough towne, and in euery other towne by six men, or foure men, or according to the number of inhabitants in the towne, all the night long from sunne setting to sunne rising: So that if any stranger did passe, he should be arrested till the morning, and then set at large (if no suspicion were found of him) but if any suspicion fell out against him, then hee should be imprisoned 13.Ed.1

prisoned till he might be lawfully deliuered.
And of thole watches, the Officers before
named haue the charge within the limits
(or places) of their authorities, as the Co-
stable in his towne, the Borholder in his
Borough, and the high Constable within
all his Hundred: and these Officers ought
to see these Watches duly set and kept, and
ought also to cause Hue and Crie to be ras-
sed after such as will not obey the arrest of
such watchmen.

Stat. Nor-
thampton.

1. Ed 3. c. 3

Againe, if any person whatsoever (ex-
cept the Queenes seruants and ministers
in her presence, or in executing her pre-
cepts, or other offices, or such as shall assist
them: and except it be upon Hue and Crie
made to keepe the peace, and that in places
where actes against the peace doe happen)
shall be so bold, as to go, or ride armed, by
night, or by day, in lawes, markets, or a-
ny other places: then any Constable, or a-
ny other of the said Officers, may take such
armour from him, for the Queenes vse,
and may also commit him to the Gaol.
And therefore, it shall be good in this be-
halfe, for these Officers to stay and arrest
all such persons as they shall finde to carry
Dags, or Pistols, or to be apparelled with
prync roats, or dublets: as by the procla-
mation (made in the one and twentieth yere
of the reigne of our Soueraigne Lady that
now

21. El. reg.

14 The duties of Constables,

now is) they are specially commended.

Furthermore, if any great assembly, or rumor of people be made in manner of insurrection, then the Sheriffs, Constables, & these said other Ministers, having knowledge thereof, ought to go with the strength of the county, and to set themselves against it, and ought also to take and imprison such offenders.

Lastly, if any man do threaten to kill another, and he which is so threatened do pray any of these Officers to arrest the other to find sureties of the Peace: then may such an officer arrest him to find such sureties before a Justice of the Peace, & may also carry him to prison, if he refuse to find it: but if he yields to go, it shall be good to take the partie threatened, to the Justice with him.

Barr. 201
en Fitzh.
22. Ed. 4
35. Brian.

To pacifie
he and pu
nith the
breach of
the peace.

14 Thus much I have spoken of those things which doe bend towardes the breach of the Peace: but now I will come neerer to the breach it selfe, and withall to the pacifying and punishing of the same.

If therefore a Constable, or any other of the saide Officers, shall see any men going about to breake the peace, as by using hote wordes, by which an Affray is like to growe: then ought such Officer to commaund those persons to auoyde vpon paine of imprisonment: and if they will not depart,

1. H. 7. 7

part, but shall make weapon, or give any blow, then ought he to do his best to depart them, and to keepe them insunder: and hee may (for that purpose) both use his owne weapon, and may also call others to assist him. ^{3. H. 7. 10} ^{21. H. 7. 21} Which doing, if any such Officer, or other person coming on his part, doe take hurt, hee shall haue good remedie by action against him that did the hurt: but if any of them that made the Affray, be hurt by such officer, or by any of his company, then such a hurt person hath no remedie at all for it.

^{15. Ed. 4. 9} And if he that maketh an Affray, doe flee into a house, when such an officer cometh to arrest him: then may that officer breake open the doores to take him: and if he that made the Affray, doe flee from thence also, yet may the Officer followe him, & in fresh suite take him, though it bee in an other shire or countie.

So, if two men be fighting together in a house (the doore being shut) yet may such an Officer breake open the doores to cause the peace to be kept, though none of the parties haue taken hurt. And in both these cases, such an officer may carry them before a Justice of the Peace to find Suretie for the peace, because they haue broken the Peace already, and are meet to be bound that they shall not breake it againe.

But

16 The duties of Constables,

But if any of the parties to an Affray, have received any dangerous hurt, then ought such officer to arrest him that did the hurt, and so carry him to the Gaole, there to remaine till hee finde suretie to appeare at the next Gaole deliuerie: otherwise, he may with lesse labour carry him to a Iustice of the peace, or to a Coroner, who ought to take order for such suretie, because the fact may fall out to be Felonie, if so be that hee which was hurt do happen to die within one yeere and a day next following such hurt done vnto him.

Firzh. 72.
38. Ed. 3. 6
& 22. lib.
Ass. 56

And as these Officers ought to arrest those that doe make assault vpon any private persons, so also may they arrest any such as shall make assault (or Affray) vpon themselves whilst they be in doing their offices: and may for that purpose both lawfully defend themselves, and also take the offenders, and commit them to the Gaole: or carry them to a Iustice of the peace, for the finding of such suretie as is aforesaid.

5. H. 7. d.

But if one do assault a man, in, or nigh the highway, to rob him, & be taken by the true man, or by any other, and be brought to the Constable, or such other Officer of the place: then ought such Officer, not only to take him to his warde, but also to carry him before a Iustice of Peace to cause him to giue suretie for his Good abearing.

Borr. 102
en Firzh.

So,

2.Ed. 4.9

5.H 7.4,
5

3. Ed. 3
Itin. Nor.
thumb.

B **Ans**

And I like well of their opinion, which ^{1.H.7.7} do hold, that if information be giuen to any such officer, that a man and a woman be in adulterie or fornication together, then the officer may take company with him, and that if he finde them so, he may carry them to prison.

But this is to be marked, that in the cases before, and such like, where such an Officer hath arrested, or hath in his warde any offendour that ought to be carried vnto the Gaole, there such an Officer is not bound ^{3.H.4.9} forthwith to carry him, but may well for a ^{2.1.Ed.4} reasonable time keepe him in the Stockes, ³⁵ vntill that conuenient prouision of strength may be made to conuey him safely thither. ^{4. Ed.3} And when he shal bring such offendour to the ^{cap.10} Gaole, the ought the Gaoler to receiue the same freely, without taking any thing of the Officer for it.

Seruing
of pre-
cepts.

15 Hitherto (as you see) I haue spokē of the Constable, and of these other officers, so far only as they haue authority by their owne offices, without any commandement from others. But forasmuch as a great part of their dutie (concerning the peace) resteth in the making of due execution of the precepts of higher officers, & especially of the *Iustices* of the peace, who be (as it were) immediatly set ouer them, let vs also see after what manner these

these Constables, and other the said inferior ministers of the peace, ought to be-
haue themselves in that behalfe,

Albeit then, that these said Officers be
subject to the commaundements of the Ius-
tices of gaole deliuerie, and of Oier and
Terminer, and of some Higher Iustices,
yea, and to the precepts of Coroners also,
and of other Officers, in some certaine ca-
ses; yet because most commonly they are
called vpon by the Iustices of Peace, they
ought especially to shew themselves obedi-
ent to their precepts, who (as it may ap-
peare by some olde presidents) haue autho-
ritie to remone insufficient Constables, and
Borsholders, & to substitute able persons in
their place. Neither ought these officers to
dispute whether their commaundements be
grounded vpon sufficient authoritie, or no:
as knowing that although a Iustice of the
peace (which is a Judge of Record) should
direct a Warrant beyond his authoritie to a
Constable, or one other of the said officers,
yet shal such officer be holden excused for ex-
ecuting the same, howsoever that Iustice of
peace himselte be blamed for it.

If therefore a Warrant for the Peace,
or good abearing, happen to be directed to
any of these saide Officers, then ought hee
with all speede and secrecie to finde out
the partie: and then also may hee lay his
hands

hands vpon him, and threw him the matter, and require him in the Queenes name to go with him to put in suretie according to the Warrant. And this if the partie shall refuse to do, then ought such Officer forthwith to arrest him, and to conuey him to prison, without carrying him to any Iustice: in which doing, if the party shall offer any resistance, or shall seeke to escape, then also may such Officer iustifie the beating, or the hurting of him. 21. H. 7. 39

But if the party shall yeeld to go and giue Suretie, and yet will not go to such Iustice as made out the Warrant, but to some other Iustice, then ought such Officer to giue him that libertie, so that it be not farre out of the Limit: for else so great trauel might follow vpon the Officer, as rather he then the offendour might seeme to be punished by it.

And here the Officer must take regard, 21. H. 7. and consider whether the Warrant doe 20 come directly from the meere authoritie of the Iustices of Peace, or else be grounded vpon a Writ of Supplicauit sent downe from higher authoritie (which difference ought to appeare plainly in all Warrants that be well and orderly made.) And if the Warrant be grounded vpon such a Writ, then may such Officer compell the party to go to the very same Iustice or Iustices of Peace

Peace that made out the Warrant, and o-
 therwise, **¶** Upon refusal, hee may
 carry him to prison, as is said before,
 Neither is it requisite, that such an Of-
 ficer should pursue by and downe after the
 party (as many be to doe) vntill he can find
 out sureties: but hee may lawfully keepe
 him, vntill that he can get sureties to come
 vnto him. **¶** And much lesse is it conue-
 nient, that the officer do suffer a party (up-
 on his oth, another mens hand, words) to
 go at large to seeke his sureties: the ig-
 norance of which **¶** two points **¶** is the
 cause, both that many an euill man escapeth,
 & many an honest officer is punished for it.
 But here it happeneth many times,
 that the partie (hearing that such a War-
 rant is graunted against him) offereth him-
 selfe with sureties, for that cause vnto some
 other Iudice of Peace, or findeth such sure-
 tie in some of the Courts at Westminster,
 and so hath a *Supersedeas* ready on shew such
 Officer, as cometh to him with a War-
 rant as is aforesaid. Now, if that be so,
 then is the Officer discharged hereby, and
 ought not any further to molest the parte.
 But it shalbe good, that such Officer doe
 keepe the *Supersedeas* for his better dis-
 charge: lest otherwise hee be called to ac-
 count for not seruing the Warrant that was
 sent vnto him.

22 The duties of Constables,

If a Warrant be directed to a Constable: or other such Officer, to arrest one that is indicted of Felonie, then may such Officer iustifie the killing of such a partie, if it so be, that he can noc otherwise take him: or if so be that he resist, or flie, when hee is taken.

22. Li. Aff.

55

Coro. 261

288. 329

en Fitzh.

Finally, the Constable, or such other of the said Officers, having arrested any to be conveyed to the Castle, shall take good heed, that hee do not willingly, or negligently suffer such partie to escape from him. If or, if the arrest were for Felonie, then by a willing escape, the Officer himselfe becomeeth a Felon also. And of whatsoeuer other kinde the offence be, if the Officer do, by his will, or negligence, suffer the party to escape from him, hee shall be fined for it, according to the quantitie of his fault, by the discretion of those that shall be Iudges of it. And lest any such Officer shoulde flatter himselfe, in thinking that hee may passe through with some easie Fine, I let him know, that the Iudges of his fault may set his fine, equall with the value of all his goods, if in thei discretion his fault do so require.

The es
quall dis
to of these
Officers,
in mat

I have performed the first part of my promise, and have shewed what is the equall and like dute of every of these saide Officers in matters concerning

1. H. 4

24

Stanf. 38

concerning the Peace, both by their own authority, and also in doing the commands the maunders of the Iustices of peace. Peace. now therefore I must goe forward to the second part of my purpose, and am to declare their like ductie in other points of seruice, that doe not concerne the Peace. For equal power is indifferently given to any of these Officers by some Statute of the realme, whereof those that follow be the chief and principall.

33 H. 8.

cap 10. 8.

37. H. 8.

cap. 7

17. All Constables, and other the said Officers, ought to be attendant, moving, and assisting to the Iustices of peace, to the execution of all and every the actos, in, or before the Parliament, holden in the 33. yeere of the raigne of king Henrie the eighth) concerning Retainers, wearing of Linnen, Maintenance, Embroiderie, Bowes, staves, Archerie, Unlawful games, Foresters, Regrators, Vittails, Vittailers, and Inholders, or any of them, vpon paine that the said Constables, and other the said Officers shall make such Fines, as by two of the said Iustices of Peace shall be assessed.

Attendant for the execution of statutes.

14. H. 8.

ca. 4. 5.

32. H. 8.

cap. 2

1. M. & P.

1. cap. 9.

18. All Constables, and other the said Officers within London, or within seven miles thereof, ought (vpon request made) to aide and assist the President of the Col-

Phillips.

24 The duties of Constables,

ledge of the Phisitions in London, & other persons authorized for the due execution of the Statutes made concerning Phisitions, Apothecaries and Surgeons.

**Purveys
ours.**

19. If any person shall (without lawe 23. H. 6. cap. 14 full bargaine) purview or take any thing of any of the Queenes liege people, to the use of any (other then of the Queene and her house) and thereof notice be given to the Constable, or such other Officer of the place, then such Officer ought (under the paine of twentie pounds) to arrest such taker, and to carry him to the next prison.

20. No purveyor of the Queene ought to take any horse, or cart, but by the deliverte of the Mayor, Bailiff, Constable, or such other officer of the place whence that taking shall be. 28. H. 6. stat. 3. c. 2.

21. None ought to be take for the Queenes house, by stricken measure of eight bushels to y quarter, according as is used throughout the land: and the takers of all things to be taken for the Queenes house, shall make their purveiance by the very values thereof, by the view of the Constable, or other such Officers, and by appraisement under oath of foure other good men of the towne where the taking shall be: and such taking shall be made without driving the praisours by compulsion, menacing, or other villany, to set any other price then their oath will, and as

25. Ed. 3
cap. 1

36. Ed. 3
stat. 2. ca. 3

Borholders, Tythingmen, &c. 25

as commonly runneth in the next Markets.

2. & 3. P.
& Mar.
cap 2.

Takers, Undertakers, their Deputies, or seruantes, shall not take anie Beeces, Meathers, Lambes, Calues, or any kind of Saltfish, or any kind of graine, or anie Butter in anie vessels, or Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens, but by Commission and a Blanke thereto for that shye annexed: in which Blanke, the said seuerall thinges so to be taken, and the prizes of them shall be written, and to which Blanke the high Constable, Petie Constable, or Headborowe of the place where any such taking shall be, ought to subscribe his name or signe manuel. And such taker ought then also to make a brieffe or Docket in writing subscribed with his name, containing euery of the said thinges so taken in euery place: and ought then also (vnder the paine of an hundred marks) to deliuer the same to the said High Constable, petie Constable, or Headborow, who also ought to deliuer it ouer to the Iustices of Peace at their next generall Sessions within that countie.

10. Ed. 3.
cap. 1.

20 In the takings for the Queenes house, Tailes (or Indentures) ought to be made & sealed, betweene the taker and the owner (in the presence of the Constable, or such other Officer, and the praisors of the

26 The duties of Constables,
the place) by which Tailles (or indentures)
satisfaction ought to be made to the owner
for his things so taken.

21 If any Taker will make puruey-
ance of any thing (not exceeding the value
of xl. shil.) & make not ready payment in
hand therefore, it is lawfull for the owner to
retaine the thing so taken, and to resist such
purueyance: and the Constable, Tything-
man, or Chiefe pledge of the place (being
thereto required by the owner) ought to aid
and assist such owner in making such resis-
tance, vnder paine to yeeld unto him the
halew of the thing taken, and his double da-
mages.

20. H. 6.
cap. 8.

Souldi-
ours.

22 All Constables and other the Offi-
cers abovesaid, of the parish or place, where
any of the Queenes Souldiours beyond the
seas, being mustered of record, shall happen
to arrive, may arrest & stay such souldiours,
till it be enquired whether they be lawfully
departed from their Captaines, or no.

18. H. 6.
cap. 19

Coro-
ners.

23 All Constables and other the saide
Officers must be attendant vpon Coro-
ners, for the abiuring and conueying of
such persons, as shall take the Church-
yard as a Sanctuarie, for safegard of their
liues, by occasion of anie Felonie by them
done.

21. H. 8.
c. 2. 22. H.
8. cap. 14.
32. H. 8.
cap. 3.

All these thinges hecetofores rehear-
sed, whether they concerne the preser-
uation

uation of the Peace, or any other matter besides the Peace, may and ought to be done & executed indifferently (as I think) by any of the said Officers within the precinct of his authority that is to say, as well by the high Constable of the whole Hundred or Franchise, within his Hundred or Franchise, as by the Constable, Petie Constable, Tythingman, Borholder, Borothead, Headbor, Thidboron, or chiefe pledge, within his towne, parish, tything, boron, or Hamlet: and that so, as none of them hath more power of office therein then the other, although some of them have larger limits of place then the rest.

But how I am come to such things, as do severally belong to some of these Officers, so as the other may not meddle therewith, (which is the third part of my promise) and therefore I will take that in hand also: and because the Constable of the Hundred or Franchise, is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed unto him. I will begin at him: who as he is not by and by set alone, but is for some matters no further authorized then some other of the said Officers, so I will first begin at those, and then come to the rest that belong only to himselfe.

High
Constable of a
Hundred.

28 The duties of Constables,

**Postors
ners.**

24 The money appointed to be leuied by \bar{p} Churchwardens of euery parish each Sunday for the reliefe of prisoners in the Gaole, ought (vnder the paine of fine li.) to be payed by them once euerie quarter of a yere to the high Constables, or head Officers of euery Hundred, Riding, wapentake, tostone, or parish : and the saide high Constables, or head Officers ought (vnder the pain of fine pound) to pay ouer the same money so to them payed, at the next quarter Sessions of the Peace, to such persons as shall be appointed by the Iustices of Peace to receiue the same. 14. El. ca. 5

Collector 25. If any person lawfully appointed by the Iustices of Peace to be Collector for the poore, shall refuse to accept it, or accepting it, shall be negligent therein, hee shall lose to \bar{p} poore of that place for \bar{p} willings, which shall be leuied by distress, or recovered by Action by the high Constable, or Tythingman of the place : who also, if he be negligent, or refuse so to sue within two monethes next after such default, shall loose fine pound. 14. El. ca. 5

It seemeth to mee, that in these two cases next aboue, the words high Constables, high Tythingmen, and Head Officers doe exclude *Peire Constables*, *Borholders*, and such like to meddle therein : because none are called High, or Head, but in
com-

comparison of *Low* and *Base*. Now therefore I will speake of matters concerning the high Constable of the hundred alone.

5 El. ca. 4

26 High Constables of Hundreds in all such shires, where Petie Sessions for servants and labourers (otherwise called Statute Sessions) were used to be kept, before the first day of the Parliament holden in the fifth yeere of the raigne of our gracious Queene Elizabeth, may yet still hold their said Sessions, so that nothing be done in them, repugnant to the Statute of laborers and servants made in y^e same Parliament, [and although the said Constables in all shires might, and before that statute ought to have holden such Sessions: yet because they of Kent, and some other places, did negligently forslow the same: they are now by this statute restrained, to the abasement of their owne places, and the generall and great hurt of their countries.]

13. E. 1.
sta. Wyn-
son.

27 The Constables of hundreds, and of franchises, ought to make presentment to the Iustices of Peace, and to all other Iustices thereto assigned, of the defaultes of watches, and of the defaultes of the Queenes highwayes, not enlarged so, as no ditches, Underwood, or bushes be within two hundred foote on euery side of the same, and also of such as lodge strangers in bylandishe townes, for whom they will

Watches
and high-
wayes.

90 The dueties of Constables

will not answer.

Cloth-
ers.

28 Clothmakers ought to pay the wa- 4.E.4.c.1
ges of their Carders and other workfolks,
lawfull money, & not in pins, girdles, or such
other things: and to deliuer their wools by
sachfull deliuerie & due weight, vnto them
to be wrought: vpon paine of forfaiting the
treble of the wages not so payed, & lix d. for
euery deliuerie of such excessive weight. And
the said Workfolks ought to do their occu-
pations duely, vpon paine of double dama-
ges to the party grieved. And euery Costa-
ble of the Hundred may heare & determine
the complaints aforesaid, by examination
of the parties, and may commit to the
Gaole such as refuse to pay the said Work-
folkes.

Poor
people.

29 The Constables, or Tythingmen 14.El.c.5
of euery hundred, Rape, or Wapentake, in
which any abiding place to set the poore
people in shall be appointed by the Iustices
of Peace, shall once euery moneth (vnder
the paine of xx. shillings) make a view and
search of all the aged, impotent, and lame
persons within their authoritie, and all
such as they shall finde, not being bozne,
nor within thre peeres next before dwel-
ling within that diuision, (except leprouse
and beddead persons) they shall presently
see conueied, on horsebacke, in Cart, or o-
therwise by their discretions, to the next
Con-

Constable, and so from Constable to Constable, the directest way, till euerie of them be brought to the place where he or she was bozne, or most conmerlant by the space of three yeeres next before, there to remaine in some such abiding place, or otherwise to be provided for.

1. & 3. P.
& Mir.
cap 8 & 5
El. cap. 13

30 Estreats indented ought to be made by the Clarkes of the Peace, and by Stewards of Leets, of all forfeitures rising in the Sessions of the Peace, or in Leetes, vpon the statutes of Highwaies: of which Estreates, one part ought to be deliuered yeerely within sixe weekes after Michaelmas, to the bailife or high Constable of the Hundred, Lath, or wapentake, wherein the default was committed, and the other part to the Constable & Churchwardens of the parish in which the default was made, to the intent, that such Bailife, or Chiefe Constable, may thereby leuy by distresse the same forfeitures, or the double thereof (if no distresse can be found, or if such forfeitures be not paid within twenty dayes after a lawfull demand of the same by the said officer) and to the intent also that the said Constable & Churchwardens of the parish may thereby call the said Bailife, or High Constable to account before two Iustices of the Peace (the one being of the Quorum) betweene the first day of March
and

High-
ways.

32 The duties of Constables.

and the last of April yearly for the said forfeitures, which ought by the said Churchwardens to be bestowed on þ Highwaies in their parish. And vpon such account, euery such Bailife, or High Constable shal haue for his paines viii.d. of euerie pound leuied and payed by him, and may also retaine xii.d. for the fee of the Clarke of the Peace or Steward of the Lecte, for euery such Estreate by any of them deliuered, as is aforesaid.

Impotent beggars.

31 [The high Constable of the hundred, to whom any impotent Begger shall be brought by the Constable, Borlholder, or such other officer, and the Inhabitantes of any towne, or parish, within that hundred, shall at his discretion, either command such Officer and Inhabitantes to strip such beggar naked from þ middle byward, and cause the same to be whipped, in such place of the hundred as such high Constable shall appoint or otherwise to be set in the stocks, within the towne, or parish, where such beggar was taken, by the space of three dayes and three nightes, and to haue there, onely bread and water.

22.H. 3
cap. 12. &
35. El.
Reg. ca. 7

Strong beggar.

And euerie High Constable of the Hundred, Rape, or Wapentake, before whom any strong vagarant beggar shall be brought by such as are last aforesaid, shall by his discretion cause such strong beggar to

to be tied to the ende of a Cart naked, and to be beaten with whips (throughout such place within that Hundred as such High Constable shal thinke meete) vntill his body be bloody thereby. And then a Letter shall be deliuered vnto him, subscribed by the said High Constable, which letter shal be in this wise.

Kent. SS. ¶ I. S. whipped for a vagarant strong beggar at Dale in the said countie, according to the lawe, the 26. day of March, in the 36. yeere of the raigne of queene Elizabeth, was assigned to passe forthwith and directly from thence to Sale in the countie of Middlesex, where hee saith he was borne, or where by the time of thre yeeres he last dwelled: and hee is limited to be there within foureteene dayes. (or within such number of dayes, as by discretion of the maker shal be limited.) In witnesse whereof, the Seale of the limite of the said place of his said punishment is hereunto set. By me Iohn Beere gentleman, one of the High Constables of the Hundred of Holtingtro in the saide County.

And this letter must be changed and varied as y names of the Counties, Persons, Places, and the Dayes, and Yeeres shall require. In which also, it shall be good discretion, to set downe the stature, age, colour

C

of

34 The duties of Constables,

of haire, and some marks of the body of the punished person, by which he may be well knowen and discerned from others : lest some other euill disposed do take the benefit of that Letter, aswel as he. But if such person be taken within any city, or towne corporat, then the same is to be brought to the Maior, Sheriffes, or Bailifes there, who are to do, even as the High Constable of the Hundred may, in the countie at large. And during the time limited in such Letter, the party whipped may begge by the way, shewing the said Letter. But if he brake the order appointed in that Letter, then shal he be whipped in euery place so often as hee shall be found in any such default.

Idole person.

And if such partie whipped be an Idole person, and no common beggar, then after such whipping he shal be kept in the stocks, till either he haue found Suretie to goe to seruice, or to labour, or otherwise at the discretion of the saide Maiors, Sheriffe, Bailiffes, or High Constable, to be ordered as the wrong beggar before.

Beliefe of Souldiours

32 Every high Constable shal at euery generall quarter Sessions of the Peace in that countie, pay ouer to one of the Treasurers of the collection for maymed and disabled Souldiours, all such summes of that collection, as he shall haue receiued from the Churchwardens of any parish within
his

35. El ca. 4

his duntion, vpon the paine of forty shillings for euery default.]

Next after the Constable of a Hundred, Wapentake or Franchise, followeth the Constable of a town, who is somewhere called a high Constable, for that he hath there a pety Constable vnder him, & is sometimes also termed a head officer, bicause in some corporate townes Constable is part of the name of their Incorporation. And now also bicause there be sundry things that are by the laws indifferently referred to him, or to the Tythingman, Borholder, or such other inferior officer of the place: therefore I will first set downe those, and then afterward speak of the rest that are committed to him only, and to none of them.

Constable of a Towne.

3. Ed. 4. 3
Accu. sur
case. B. 76

33 If a common Inholder, or Alehouse-keeper, will not lodge such as trauell, the Ruler, Constable, or other Officer of the town may compell him thereto.

Tiehouse-keeper.

3. El. cap. 4

34 No person retained in husbandrie, or in any the Artes appointed by the Statute of Labourers (made in the fift yeere of our soueraigne Ladie Queene Elizabeth) may depart, after the time of such retainour expired out of the Towne or Parish, where he last serued, to serue in an other, vnlesse hee haue a Testimoniall, vnder the seale of the Constable, or other such Officer, and of two other honest householders

Seruaus.

4. Ed. 4. 1.

mode E
1507

36 The duties of Constables,
of the towne or parish where he last serued,
according to this forme: *Memorandum*, that
A.B. late seruant of C.D. of E in the coun-
ty of K. Husbandman, or Tailor, &c. is
licenced to depart from his saide master,
and is at his libertie to serue elsewhere,
according to the statute in that case made
and provided. In witnesse whereof, &c.
Dated the day, moneth, yeere, and place
of the making thereof. Which Testimo-
niall, the Parson, Vicar, or Curate of the
parish where such master, mistres, or dame
both dwell, ought to register, taking onely
two pence therefore. And if such person be
accepted into any other seruice, without
shewing such Testimoniall to the Constable,
or such other Officer, Curate, or
Churchwarden of the place where he shall
be accepted, he shall be imprisoned till hee
procure such a Testimoniall, which if hee
do not within one and twenty dayes next
after the first day of his imprisonment, he
shall be whipped as a Vagabond.

Labou-
ers.

35. In the time of hay, or corne haruest, 5.El.cap.4
the Constable, or such other Officer of a-
ny townehip, upon request made, and for
auoiding the losse of any corne, graine, or
hay, may cause all such Artificers, and per-
sons (as be meete to labour) by his discre-
tion to serue by the day, for the mowing,
reaping, shearing, getting, or timing of
corne,

come, graine, or hay, according to the skill and qualitie of the person: and if any such person shall refuse so to do, then ought such Officer (vnder the paine of forty shillings) to imprison such refuser in the Stockes, by the space of two dayes and one night.

36 The Constable, Borholder, or other such Officer, and the Churchwardens of euery parish, ought yeerely vppon the Tuesday or Wednesday in Easter weeke, to call together a number of the parishioners, and to choole two honest men of their parish, to be surueyours of the works for amendment of the Highwayes within their parish leading to any market towne: and ought then also to appoint sixe dayes for the amendment of those Highwayes before Midsummer then next following: and ought openly in the church, the next Sunday after Easter, to giue knowledge of the same sixe dayes.

2. & 3. P.
& Mar. c. 8
and 5. El.
cap. 13

They also ought to haue one part of High-
the Estrates indented, and may call the wayes.
Bailiffe or high Constable to Account,
concerning the forfeitures, for default of
amending Highwayes, as hath already ap-
peared before. And they also, or any of
them may leuie by Distresse, and by sale
of such Distresse, all summes of mony for-
faited for any cause within the Statute of
Highwayes made in the eighteenth yeere

38 The duties of Constables,

of the Quenes Maiestie that now is (if so be that the Surueyours of Highways shall not before haue leuied and imployed the same, within one yere next after the offence committed) and shal yeeld Accompt thereof before two Iustices of the Peace, as is aforesheved.

18.El.c.10

**Due and
Crie.**

37 After such time as the two Iustices of Peace, haue ratably assessed euery town, and parish towards the payment of the damages that any person hath recovered against them of the Hundred wherein he was robbed, vpon the statute of Hup and Crie: then may the Constable or Headborow, of euery such Towne and Parish, ratably within his limite, rate (according to their abilities) euery dweller in euery such town or parish, toward the payment of such assessment made by the Iustices: and may also distreine euery person by his goods and cattails that shall refuse to pay the same, and may sell the distresse, and retaine so much thereof as the Taxation shal be, and deliuer the ouerplus to the person so distrained. And shal (within ten dayes next after he hath leuied the saide rates) deliuer the same to the said Iustices, or one of them, to the vse of the party robbed.

27.El.ca.

13

**Making
of insult.**

38 The Constable of euery borough or market, or other town, may view, search, and suruey all such nauit as shal be made

27.El.ca.

14

or

or put to sale there: And if he shall find, any
barley mault, made at any time (the mo-
neths of Iune, Iulie and August onely ex-
cept) but that the same shall haue the space
of three weekes (at the least) in the fat,
floore, sleeping and sufficient drying there-
of, and in these three moneths, the space
of seuentee dayes at the least: and if he
finde any person to put to sale, any good
mault, mingled with mault not sufficient-
ly made, or with mault made of mowbur-
ned or spyed barley: or to put to sale any
mault, not sufficiently well troden, rub-
bed, and fanned, whereby halfe a pecke of
dust or more may bee fanned out of one
quarter thereof: then may such Constable
(with the aduice of one Iustice of the peace
in that shire) cause the same mault to bee
solde to such persons, and at such reasona-
ble prizes (under the common price of the
market) as to his discretion shall seeme ex-
pedient.

All these things last afore said, do per-
teine aswell to the charge of a Tything-
man, Borsholder, Headborowe, Chiefe-
pledge, or such other inferiour Officer,
as they doe to the Constable of such a
towne, or parish, that hath anie of those
other officers there vnderneath him. But
some other pointes of charge there be,
that belong to such a Constable onely.

40 The duties of Constables,

and not to any of them : as for example.

Weights and measures. 39 Every citie, borough, and market towne that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8. H. 6. c. 5.
11. H. 7. ca. 4

Merchandize. 40 If any woolles, or other merchandise, be shipped in the Staple, in any suspected place adioynning to the coast of the water, then Indentures ought thereof to be made betweene the owner, and the Maior [or Constable of that place : or otherwise such Merchandize shalbe forfeited. 14. H. 6. cap. 5

Beggars 41 The Constable, petite Constable, Headborow, Borsholder, or Tythingman, and Inhabitants of euery towne, parish, or place where any impotent Beggar not licensed, or sturdy vagarant Beggar shal be found, ought to bring euery such impotent Beggar (vnder the paine of three shillings foure pence for euery default) and euery such sturdy vagarant (vnder the paine of sixe shillings and eight pence for euery default) to the next Iustice of the peace, or High constable of the hundred, to be ordered, as this statute 22. H. 8. hath appointed. 22. H. 8. cap. 12

42 Al such persons, as by the true meaning of this Act (made for restraint of popish Recusants) are to make their repaire to such of those places as that Act doth require, 35. El. reg. cap. 2

Popish recusants

quire, and not to remoue aboue five miles from thence, shall within twentie dayes next after their comming thither, notifie their comming, and present themselves, and deliuer their true names in wryting, to the Minister, or Curate of the same parish, and to the Constable, Headboroe, or Tythingman of the Towne: who shall presently enter the same into a booke, to be kept in euery parish for that purpose: and shall afterward Certifie the same in wryting to the Iustices of the Peace of the same Countie, at the next generall, or Quarter Sessions of the Peace there.

35.El.c.4 43 The totall Summe of money, taxed by the Iustices of Peace vpon euery Parish, for the reliefe of Souldiours, shall be yearely assessed by the agreement of the parishioners within themselves, or in default thereof, by the Churchwardens, and Constable, (Borsholder, or Tythingman) of the same Parish: and to leuie the summe by Distresse, and Sale of the goodes or chattels of the partie refusing, or neglecting to pay the portion assessed, rendering vnto him the ouerplus rayled vpon such Sale.]

33.H.8. cap.9 44 The Maior, Shirifes, Bailiffes, Constables, and other head officers with in euerie Citie, Borough and towne with in this realme, where any such officers be,

be, ought vnder the paine of xl.s. for euerie default, once euery moneth at the least, to make search (as well within liberties, as without) in all places where any vnlawfull games shal be suspected to be kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they be bound no moze to keepe and haunt such places. And if any such Head Officers, shall finde or knowe, that any artificer, craftesman, husbandman, apprentice, labourer, seruant at husbandry, iourneyman, or seruant of artificer, or that any mariner, fisherman, waterman, or seruicingman, doth play at the Tables, dice, cardes, tennis, bowls, clash, coiting, logging, or any other vnlawfull game, out of Christmas time, or out of their Masters house or presence in the Christmas time, vnesse it be by the licence of such Master as hath C. li. by the yeere, or aboue: and then also that playing be within the precinct of such Masters house, gardeine, or orchard: then such head Officer may commit such offendour to warde, till hee will be bound by Obligation to the Queenes vse (in such summe as to the discretion of such Officer shall be thought reasonable) that hee shall not from hence forth vse such vnlawfull games.

22. H. 8.
ca. 5.

45 Those foure Iustices of Peace, that ^{Bridges} be authorized by the Statute to make taxation of money for the amendement of any decayed bridge in the high waie, ought to make the Taxation, by the assent of the Constables, or of two of the most honest inhabitants, of every Towne or parish.

23. H. 8
cap. 4.

46 In all Cities, Boroughs, and ^{Villages} townes, wherein no Wardeins of Cowpers be, the Maiors, Shiriffes, Bailiffes, Constables, or other Head Officers there, haue power to search, viewe, and gauge barrells, kilberkins, firkins, and other vessels, to be made there, and to take such aduantage thereby, and in such maner, as by the wardeins of Cowpers within the City of London may be taken on euery behalfe.

22 H. 8
cap. 9.
1. Mar.
parl. 1. c. 11

47 The Maiors, Shiriffes, Constables, and other head Officers of any place, ^{Hattes} and capes, to which woollen hattes, bonnets, or caps, (being made out of this Realme) shall be brought, ought (vpon knowledge thereof to them to be giuen, by the Customer of such place, or his deputie) to ioyne with such Customer or deputie, in the sale of such hattes, bonnets, or cappes, for such prices, as by the statute are limited, vpon pain to forfait xx. li. for euerie time that they shall be remisse in such sale.

48 In all these cases also, last before rehearsed,

44 The duties of Constables.

rehearsed, it seemeth that Borsholders, Tythingmen, Headboroes, and other such (being in townes, or parishes, vnderneath Constables that be there) cannot meddle because such Constables be, in comparison of them, called Head Officers.

The conclusion.

Now therefore vpon all the whole discourse before written, it may well appeare, that Borsholders, Tythingmen, Headboroes, Borocheades, Thirdboroes, and chiefe pledges, whether they be there the onely Officers for the peace, or be vnderneath Constables, may within their Borowes, Tythings, or Hamlets, doe manie things that y^e others may do: and that there are many other pointes which those other Officers may doe, and wherewith these Borsholders and the rest cannot meddle at all. And therefore, to auoyd idle repetition of matters already spoken, I say shortly, y^e if an vnder Borsholder, Tythingman, Headboroe, Borochead, Thirdboroe, or Chiefe pledge, will see what belongeth to him to doe, hee must looke before vpon all such cases, where his power is declared to be equall (for those points) with the power, either of a High Constable of the Hundred, or a Constable of a towne or parish: for in all such thinges hee hath to deale as well as they: But where anie thing before is shewed to pertaine onely to
the

Borsholders, Tythingmen, &c. 45

the high Constable of a Hundred, or onely
to the Constable, or chiefe or head Officer
of a towne, or parish, there such a Borshol-
der, Tythingman, or anie of the rest, hath
nothing to doe with it.

And thus hauing opened so shortly and
plainly, as I could, the duties of all these
said ministers of the peace, I doe shut vp
this worke : desiring those that shall
take anie profite of this labor, to

peeld thanks to God the

most liberall

giuer.



For

FOr the more ease of euerie of these Officers in finding out of that which particularly belongeth to him, I haue diuided this treatise before into 48 Articles (or parts) by which eche of these Officers may readily come to all that which belongeth to his owne charge, if hee will marke this Table following: for,

The High Constable of the Hundred, Rape, Franchise, or Wapentake, hath to deale with all those matters, that be contained within anie of these Articles, that is to say,

Article.	Concerning.
3.	His name:
4.	His beginning:
11. 12. 13.	The peace to be kept, and
14. 15.	seruing of warrants:
16. 17. 18.	Execution of Statutes,
19. 20. 21.	Physitions, Purueyors,
22. 23.	Rogues, Coroners:
24. 35. 26.	Prisoners, poore, pett
27. 28. 29.	sessions, watches, high=
30. 31. 32.	wais, clothiers, highwais,
	beggers, souldiours.

And the Constable of a Townte, or parish, hath his part in all such thinges as be expressed in any of these Articles.

Articles

Borsholders, Tythingmen, &c. 47
Concerning.

Articles.	Concerning.
4	His name and beginning:
11. 12. 13.	Keeping of the peace, ser-
14. 15. 16.	uing of warrants, execution
17. 18. 19.	of statutes, phylitions, pur-
20. 21. 22.	uepours, souldiours, coroners:
23. 24. 25.	Prisoners, collectors for
32. 33. 34.	poore, alehouses, seruantes
35. 36. 37.	or labozers, rogues, souldi-
38. 39. 40.	ours, highwaires, hup & cry,
41. 42. 43.	weighes & measures, mar-
44. 45. 46.	chandize, making of mault,
47. 48.	unlawfull games, bridges,
	vessels, hats and caps, beg-
	gars, recusants, souldiours.

And euery Borsholder, Tythingman, Borochead, Headboroc, Thirdboroc, and chiefe pledge, may for his Boroc, or Tything, learne his office by these Articles.

Articles.	Concerning.
5.	His name beginning first
6. 7. 8. 9.	office, latter office:
10. 11. 12.	Keeping of the peace, ser-
13. 14. 15.	uing of warrants, execution
16. 17. 18.	of statutes, phylitions,
19. 20. 21.	puruepours, souldiours,
22. 23. 24.	rogues, coroners:
25.	Seruantes and labozers,
32. 33. 34.	rogues, highwaires, hup &
35. 36. 37.	cry, beggars, recusants,
38. 39. 41.	souldiours.
42. 43.	The

The dutie of Churchwardens.



Whilſt I paſſed thorow ſome of the Statutes before, concerning the Offices of Conſtable & Borſholder, I found them mingled with diuerſe duties pertaining to the Churchwardens of pariſhes: the Surueyors of the highwayes: the Diſtributors of the prouiſion for the deſtruction of vermine: the Collectors and ouerſeers for the poore: and the Wardens and Collectors for the houſes of Correſti- on: whereby I was alſo moued to adde ſomewhat of theſe Offices, the rather be- cauſe I was perſwaded, that with that li- ttle more of labour, I might do a great deale more of good, ſeeing that thereby the plain countrieman ſhould (after a ſort) be furniſhed with all manner of vnderſtanding (in the temporall lawe) needfull for the exe- ciſe of any of thoſe Offices that may lightly fall vpon him.

Fiſt therefore, I will ſpeake of the Churchwardens office, but that ſo farre forth onely, as the common lawes and ſtatute lawes of the Realme doe leaue me,

The duties of Churchwardens. 49

knowing that such other partes of that Office as do rest vpon the lawes heretofore call, be from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

The Churchwardens of parishes be taken (in fauour of the Church), to be for some purposes a manner of Corporation at the common lawe: that is to say, Persons inabled by that name, to take moueable goods, or cattels, and to sue, and be shued at the lawe, concerning such goods, for the vse and profit of their parish. And therefore, a man may well in his life time giue, or by his last will bequeath money, or other moueable things, to the Churchwardens or to the parishioners of a parish, either for the reparation of their Church, or towards the buying of hookes, communion cuppes, linnen clothes, or other decent ornaments or furniture for the Church. Which manner of gift is so much fauoured in the lawe, that it is not altogether needefull in such a gift, for a man to vse expresse wordes, or writing. For if a man do buy a Bell, and doe hang it vp in the Steeple, or doe make a Pew, and do set it vp in the Church, and doe neither make any word or writing thereof, yet is this Bell or Pew, by this, dedicated or giuen to the Church.

Office of Churchwardens, by the common law.

Lib. 10. fol. 76.

11. H. 4. 12
8. H. 7. 12

250 The duties of Churchwardens.

They shall haue none Action at the common
Section. lawe to recouer a legacie, or such other
 thing which they neuer had: yet neuerthe-
 lesse, if any such goods, or ornaments of
 the Church be once in their possession and
 custody, then shall they maintaine an Ap-
 peale of robberie against him that stea-
 leth them; or an Action of Trespasse a-
 gainst him that shall wrongfully take
 them away; though it be the Vicar, or
 Parson himselfe; and the damages that
 they shall recouer hereby, shall be to the
 use and benefite of the parish, and not to
 their owne use. But if those Churchwar-
 dens (from whom the goods were so taken)
 shall happen to die, before any Action by the
 brought for the goodes, yet shall the next
 Churchwardens haue Action for the same.

They
 may not
 waste the
 Church
 goods.

3 And forasmuch as these Churchwar-
 dens be officers, put in trust for the be-
 hoofe of their parish; therefore also are
 they not enabled with any other power,
 then for the good and profite of the parish.
 So that Churchwardens can neither giue
 away, nor release, at their owne pleasure,
 the goods of the Church. For if the par-
 tioners shall finde that they do unprofi-
 tably waste, or mispend the goodes of the
 parish, they may they remoue such Church-
 wardens, by making their choice of newe
 which

37. H. 6
 30. & 34
 11. H. 4. 12
 8. E. 4. 67

Fitz. nat. 1
 br. 91. K. 1
 19. H. 6. 66
 al. contrar.

8.E.4.6 which new Officers may (by Action of ac-
count) call to account the former Church-
wardens, and shall thereby compell them,
both to giue reckoning of their doings dur-
ing their office, and also to make satisfac-
tion to the vse of the Parish, for the harme
that it hath receiued by their fault. And
16.H.8. although the vsage and custome of the Pa-
rish be, that the Churchwardens there shal
continue in their Office, by the space of
one whole yeere, or two yerres or more, (as
indeed some parishes haue such customes)
yet vpon such, or the like misdemeanour
found in them, may the parishioners at all
times proceede vnto an Election of newe
Churchwardens, & may remoue the olde,
for that otherwise they haue no meane by
our lawe to call them to their Account;
but by such as shall be put in their place.
Nevertheless, those former Churchwar-
dens shall (vpon the making of such their
Account) haue allowance of all needefull
summes of money, or other things, which
they haue expended, either vpon the repa-
ration of the bodie of the Church, or for the
provision of meete and lawfull ornaments
or other furniture of the Church or parish:
because they are compellable (by the Ec-
clesiasticall Lawes) so to lay forth the
goods of the parish committed vnto their
custodie and charge. They shall haue al-
lowance

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allowance also (vpon such their account) of the money payed by them for reliefe of prisoners in the common Gaile, by vertue of the statute 14. El. cap. 5. and of whatsoeuer other thing that they are by law chargeable to doe.

They **4** This (in effect) is the power and charge that the common lawe doth giue to Churchwardens: for as touching any estate in lands, or the profits of any lands, Churchwardens haue not to meddle at all. Insomuch, that if the walles, windowes, or doores of the Church be broken, or the trees in the Churchyard be cut downe, or the grasse thereof be eaten up, then the parson, or vicar (and not the Churchwardens) shall haue the Action for it: because Churchwardens are not by lawe allowed to be a Corporation for any other thing; then for moveable goods onely. 11. H. 4. 13
12. H. 7.
77
13. H. 7. 9

Churchwardens will shew how their office is increased by a few Statute lawes, that doe concerne the same.

Repair to the Church. **5** All persons inhabiting within the Queenes Maiesties dominion, shall diligently and faithfully (hauing no lawfull or reasonable excuse to be absent) indeuour themselves to resort to their parish Church or Chappel accustomed, or (vpon reasonable lettheroeof) to some vsuall place where common prayer and such seruice of God (as 5. El. cap. 2

is contained in the booke of common prayer) shall be vsed in such time of let, vpon euery Sunday and other daies ordainred and vsed to be kept as holy dayes: and then and there to abide orderly and soberly, during the tyme of the common prayer, preachings or other seruice of God, there to be vsed and ministred, vpon paine of punishment by the Censures of the Church, and also vpon paine that euery person offending shall forfeit for euery such offence twelue pence to be leuied by the Churchwardens of the parish where such offence shall be done, to the vse of the poore of the same parish, of the goods, lands, and tenements of such offendour, by way of distresse.

35. El. reg.
cap 1

6 The Churchwardens of the Bestene parish (wherein any person releueth, or refuseth to come to Church. keepeth in his house, or otherwise, any other that obstinately refuseth, and forbeareth by the space of a moneth together, to come to some Church, or other vsuall place of common prayer to heare diuine Seruice) may giue notice thereof to such releuer or keeper, who shall forfeit tenne pounds for euery moneth that he shal so releue or keepe, after such notice.]

2. & 3. Ph.
& Mar. ca.
3. & 5.
El. cap. 13

7 The Constables and Churchwardens of euery parish shall peerev vpon the wayes. Tuesday or Wednesday in Easter weeke.

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call together a number of the parishioners, and shall then elect and choose two honest persons of the parish to be Surueyours and orderers of the workes for one yeere for amendment of the Highways in their parish, leading to any Market towne: which persons shall take vpon them the execution of their saide offices, vpon paine, euery of them making default to forfait twentie shillings. And the Constables & Churchwardens shall then also name and appoint fixe dayes for the amendment of the saide highways before Midsummer then next following: and shall openly in the Church the next Sunday after Easter giue knowledge of the same fixe dayes. And they also ought to haue one part of the Estreates indented, and shall call the Constables to account, &c. as it doeth appeare before in the thirtreth Article of the Constables office.

See after also in the office of the Surueyours of the Highways, for leuying thole forfeitures, by the Churchwardens if the Surueyours shall not leuie and imploy the same within one yeere after the offence committed.

Eate flesh 8 If any person within this realme shall (without lawfull licence) eate any flesh vpon any dayes nowe usually obserued as fast dayes, shall forfeit thre pounds for e-
uery

5. Ed. cap 3

uerp such offence, or else suffer 3 moneths imprisonment. And euery person which whose house any such offence shall be done, and being priuie or knowing thereof, and not effectually disclosing the same to some publike Officer hauing authoritie to punish the same, shall for euery offence forfeit forty shillings: the third part of al which forfeitures shall bee to the use of the Parish: wherein the offence shall be, and to be leuied by the Churchwardens after any conviction in that behalfe.

5. El. cap. 5

The licence for eating of flesh, to be giuen to any person for notorious sickenesse by the Bishop of the Diocese, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if that sicknesse shall continue aboue eight dayes after such licence graunted) in the Church booke with the knowledge of one of the Churchwardens there: and the party licenced shall giue foure pence to the Curate for entrie thereof.

Licence
to eat
flesh.

2. El. ca. 15
& 14. El.
cap. 11

9 In euery parish, the Churchwardens, with sixe other parishioners (to be required by the Churchwardens) shall pcerely in one of the holy dayes in Easter weeke, and at euery other time when it shall be needefull, take and aslesse euerie person hauing the possession of any landes or tithes within that Parish, to pay such

Destruccion of
bermne.

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summes of money as they shal thinke meet,
according to the quantitie of such their lands
or riches. And if any such person do deny to
pay the same, or do not pay the same (with-
in fourtene daies next after request there-
of made by the Churchwardens, or one of
them) then such person shall forfeit for eve-
ry time five shillings which (together with
the summe assessed) shall bee leuied by di-
stresse of the goods and cattels of such per-
son, to be taken by the Churchwardens,
or one of them, the same distresse to be or-
dered and vled, as distresses taken for a-
mercements in any Leetes. And as well
the said summes as penalties, (if any of
them be so leuied,) shall be yeerely by the
Churchwardens, or one of them, for the
time being, deliuered by Willees indented to
two honest and substantiall persons of the
parish which shall be elected and appointed
by the Churchwardens, and shall be na-
med, The distributors of the provision
for the destruction of noisome foule and
vermine. And if the said Churchwardens,
six persons, or Distributers, or any of the,
shall refuse, or make default in the execu-
tion of any part of this Act, contrary to the
forme thereof, then such offendour shall
forfeit for every default five pounds, the
one moitie to the Queene, the other to him
or them (using tillage yeerely within the
same

for amending Highwaies. 57

same tyme) that will sue therfore in any court of Recorde.

For the rest of the office of the churchwardens, concerning this matter, see afterward in the duetie of these Distributers. See also in Constables Artic. 24. for the Gaole mony to be leuied by Churchwardens.

35. El. c. 4

[10 The Churchwardens of euery parish, shal truly collect euery such sūme as shalbe assessed thereupon, for reliefe of soules, & they or their executors, or administrators, shall within ten dayes next before euery quarter Sessions of the Peace to be holden in that countie, pay ouer the same vnto the high Constable of that diuision in which such parish shalbe situate, vpon the paine of ten shillings for euery default.]

Reliefe of
Soules.

The Office of the Superuisors,
Surueyors, or Orderers of the works
for amending of the High-
wayes.

2. & 3.
Phi. & M.
ca. 8. & 5.
El. cap 13



¶ Upon the five dayes appointed for working in highwaies in such sort as is before declared in the first article of the Churchwardens office, euery person for euery plowe land in tillage or pasture that

38. The Office of Surueiours.

R that he or they shall occupie in the same parish, and euerie other person keeping there a draught or plough, shal finde and send, at euerie day and place to be appointed for the amending of the wayes in the parish as is aforesaid, one Waine or Cart, furnished after the custome of the countrey, with Oxen, Horses, or other cattell, and all other necessities, meet to carry things conuenient for that purpose, and also two able men with the same, vpon paine of euery draught making default ten shillinges. And euery other houtholder, and also euery other cotager and laborer of that parish, able to labor, and being no hyred seruaunt by the yeere, shall by themselves or one sufficient labourer for euery of them, vpon euery of the said sixe dayes, worke and trauell in the amending of the saide highwayes, vpon paine of euery person making default to loose for euery day twelue pence. And if the carriages of the parish or any of them shall not be thought needfull by the Superuisors to be occupied vppon any of the said daies, that then euerie such person that shoulde haue sent any such carriage, shall sende to the saide worke for euerie carriage so spared, two able men there to labour for that day, vppon paine to loose for euerie man not so sent to the saide worke twelue pence. And euery person and carriage abouesaid, shall

that haue & bring with them such Shouels, Spades, Dicks, Mattocks, and other tooles and instrumentes, as they doe make their grane ditches and fences withall, and such as be necessarie for their saide worke. And all the said persons and carriages shall doe and keepe their workes, as they shall be appointed by the saide Superuisors, or one of them, eight houres of euerie of the saide dayes, vnlesse they shall be otherwise licensed by the said Superuisor, or one of them.

From hencefoorth it shall and may bee lawfull to all and singular Superuisor and Superuisors and orderers of the workes for the time being, for the amendement of the said highwaies, thereunto elected and appointed, according to the statute made in the second and third yeare of king Philip and Queene Marie, for the better reparation and amendement of the highwaies within their senerall parishes and lunites where they shall be so made Superuisors (if it shall bee so to them thought necessarie) to take and carrie away of the rubbish, or smallest broken stones of anie Quarrie or Quarries lying or being within the parish where they shall be Superuisors without licence, controlement or impeachment of the owners or owner, so much as by their discretions shalbe deemed
and

and iudged necessarie to the amendement
of the saide wayes. And that for default of
anie such quarrie or quarries, it shall and
may be lawfull to euery such Superuisor
or Superuisors, for the vse aforesaid, in the
seuerall grounds of any person or persons,
being within the parish, and limites where
they shall be Superuisors, and nigh adioy-
ning to the way or wayes wherein such re-
parations shall be thought necessary to bee
made, and wherein grauell, sand or sin-
der is likely to be found, to digge or cause
to be digged, for grauell, sand or sinder,
and likewise to gather stones lying vpon
anie landes or groundes within the parish,
also meet to be vled to such seruice and pur-
pose, and thereof to take and carrie away
so much as by discretion of the saide Su-
peruisors shall be thought necessarie to be
employed in the amendement of the saide
hightwayes. Provided alwaies, that it
shall not be lawfull to anie such Superui-
sor, or Superuisors, by vertue of this act,
to cause any rubbish to be digged out of a
Quarrie or Quarries, but onely shall ex-
tend to such rubbish as shall be found there
roarie digged by the owner or owners of
the saide Quarrie or Quarries, or other-
wise by his or their licence and commaun-
dement, nor shall not extend to giue au-
thoritie to any Superuisor or Superuisors
to

to digge or cause to be digged, any grauell, sand, or timber in the house, garden, orchard, or medowe, of any person or persons; nor that it shall be lawfull by this act to any such Supern for or Superuisors to cause any more pits to be digged for grauel in any seueral and inclosed ground then one onely; and that the same pit or hole so digged for grauell as is aforesaid, shall not by any way bee in breadth or length above terme peardes at the most. And that euerie such Superuisor as shall cause any such pit to be made, and digged for grauell, sand, or timber, as is aforesaid, shall within one moneth next after any such digging or pit made, cause the same to be filled, and stopped up with earth, at the cost and charges of the Parithioners, vpon paine to forfait to the owner and owners of the soile, wherein any such pit shall be made and digged, for euery default, five markes.

From hence forth, euerie such Supern for and Superuisors, as is aforesaid, shall by force of this acte, within the parish or limites, where he or they shall be Superns, haue full power and authoritie to turn any such water course, or spring of water, being in any of the said highwaies, into a nie ditch, or ditches of the seuerall ground or soyle of any person or persons whatsoever next adioyning to the said waies, in such
maner

manner and forme, as by the discretions of the said Superuisors shall be thought meetest and most convenient.

Such Saperuiseur or Superuisors, for the time being within one moneth next after default or offence made, done, or committed by any person or persons, contrary to the provision, purpose, and true meaning of the statute made (concerning highwayes) in the second and third peece of King Philip and Queene Marie, shall present every such default or offence to the next Iustice of Peace for the time being, upon paine to forfeite for every such default and offence, in such soyte not by them presented, xli.s.

Every person or persons (except such as shall dwell in the Citie of London) that shall be assessed to the payment of any Subsidie to her Maestie to v. King shillings, or xli.s. in landes, or about, during all such time as hee shall stand so assessed and not altered, and being none of the parties chargeable for the amending of highwayes by any former lawe, but as a Cotrager, shall finde two able men peereley, to labour in the highwayes, at such dayes and times, as by the severall Statutes thereof are limited and appointed. And every other that hereafter shall occupie a plough land in tillage or pasture, lying and being

being in severall Parishes, shall be chargeable to the making of the wayes within the parish where he dwelleth, as far forth, and in such manner and forme, as any person having a plough land, in any one parish, is or ought to be chargeable, by reason of the said former statutes, or either of them. And every person or persons, occupying and keeping in his or their handes or possessions, severall or diverse plough landes, as aforesaid in severall or diverse townes, shall be charged to serve in eche towne or parish (where the plough landes being in his occupying doe lye) one Cart, Waine, Wainwright, dung Hot, or Court, Steades, Carres, or Drags, furnished for the amending and repairing of the highwaies within the severall parishes where the said plough landes doe lie, in such manner and forme, as if he or they were a Parishian or dwelling within the parishes, where the same severall plough landes doe lie.

Every person or persons, that shall not repaire, ditch, or scower, any lynes, serices, ditches, or hedges adjoining to any highway or common fairing way, or shall not cut downe or keepe downe all trees and bushes, growing in or next adjoining to any the same wayes, according to the true intent and meaning of the acte made in the fifth yere of the Queens Maiesties raigne that

that towe is for every offence committed therein contrarie to the true intent thereof, shall forfeite and lose for every default ten shillings. And all and every person and persons that shall occupie any landes adjoining to the sayd ground, so adjoining to any such highway, or common fairing way, where any ditching, or scouring shoulde ought to be as aforesaid, shall from time to time, as need shall require, ditch & scower his or their ground so adjoining, whereby the water coureyed from the saide highway, or common fairing way, over the ground next adjoining; may have passage over the said ground, so next adjoining to that ground, upon paine of forfeiture for everie time so offending, for every roode that is ditched and frozen, *iii. d.* And any person or persons having any ground by lease or otherwise, adjoining to any highway, or common fairing way, leading to any market towne, shall cause to be kept any ditch, and throw, or lay the soyle thereof into the highway, and suffer it to lye there by the space of five monthes, to the hindrance of the said highway or common fairing way, upon paine of forfeiture for every load of soyle, so cast into the highway, or common fairing way, in ditching, or scouring *iii. d.* And where any heerebefore have bene so cast into the highway,

or comon fairing way, that there is a banke between the said way, & the ditch, it shal be lawful for the Surueiors & workmen by the lawes and statutes of this realme appointed for the amendment of þ said waies, to make sluices or other deuises by their discretions, to conuey the water out of the said way into the ditch: any law, right, interest, custome, or vsage, to the contrary notwithstanding.

Every penaltrie, summe or summes of money forfeited for any cause within the statute, shal be leuied in every parish by the Surueiors of the wayes within that parish for the tyme being, by distresse, and sale of distresse, in manner and forme as fines or amerciaments in Leetes haue bene vled, & the mony so leuied, to be employed vpon the highway, or cominõ fairing way where the offence was committed. And if the Surueiors shal not or wil not leuy & employ the same within one yeere after the offence so committed, that then the saide summe or sums, forfeiture or forfeitures, shall be leuied in fourme aforesaide, by the Constables or Churchwardens of the Towne or Parish where the work ought to be done in þ highway (as aforesaid) and that he or they so leuying any of þ said penalties or forfeitures, shall make and yeele such account as is appointed in the before recited statutes, or either of them.

The Office of the Distributors of the prouision for the destruction of noisome foule and Vermine.

These Distributors beeing so 8.El.c.15
 chosen, and hauing money, & 14.El.
 (as is before shewed in cap. 11
 the eight Article of the
 Churchwardens Office)
 shall giue and pay of the same money so to
 them deliuered to euery person that shall
 bring to them any heades of olde crows,
 choughes, pies, or rookes taken within
 the seuerall Parishes, for the heades of e-
 uery three of them a pennie; and for the
 heads of euery five yong crows, choughs,
 pies, or rookes taken, as is aforesaide, a
 pennie, and for euery five egges of any of
 them unbroken, a pennie: and likewise
 for euery twelue staves heades, a pennie.
 All which said heades and egges, the saide
 Distributors in some conuenient place shal
 keepe, and shall euery moneth at the least
 bring forth the same before the sayde
 Churchwardens and Taxors or three of
 them, and then and there vnto them shal
 make a true account in writing, what
 money they haue layed forth and payed
 for

of the prouision for the deſt. &c. 67

for ſuch heads and egges, and for the heads
of ſuch other rauenous birds and beaſtie,
as are heereafter in this Acte mentioned.
That is to ſay, for euery head of merion,
hawkes, furlſekite, moldkite, buzzard, ſcag,
farmerant, or ringtaile, two pence, and
for euery two egges of them, a pennie: for
euery iron or ſpizates head, foure pence: for
the head of euery woodwall, pie, iay, rauen
or kite, a pennie: for the head of euery
bird, which is called the kings fiſher, a pe-
ny: for the head of euery bulfinch, or other
bird, that deuoureth the blouth of fruit, a
penie: for the heads of euery foxe or grey,
twelue pence: and for the head of euery
fiſhew, polcat, weſell, ſtore, faire, badge,
and wilde cat, a penny: for the heades of
euery otter, or hedgehogge, two pence: for
the heads of euery three kattes, or twelue
unice, one penny: for the heades of euery
moldwarpe, or want, an halfe pennie: for
the heades of euery which birdes and bea-
ſtie laſt mentioned, the laſt Diſtributers
ſhall likewise pay and giue to the bringer
of them, for euery head killed and taken
within their ſeueraſſ parishes, as beſore is li-
mited, and ſhall keepe the ſame to be ſhew-
ed forth vpon their account, in manner
and ſortine as is aforeſaid. All which ſaid
heads and egges ſhall be ſheweth after
ſuch account made in the preſence of the

saide Churchwardeins and Taxors, or of three of them, burned, consumed, or cut in sunder. And if vpon any account to be made in the end and determination of the office of any such Distributers, it shal appeare that any summe of money is remaining in the hands of the said Distributers, or anie of them, then the same shall be by Bill indented, as is aforesaid, deliuered ouer to such persons, as he or shalbe elected to the same Office, for the yeere next following, by the to be distributed, as is aforesaid. This shal not in any wise extend, to giue any libertie, or authoritie to any person or persons, to vse or exercise any meanes or engin, for the destruction of crows, or rookes, choughs, or other the vermine aforesaid in any place or places, to the disturbance, let, or destruction of the building or breeding of any kind of hawks, herons, egrettes, paupers, swannes, or shouelers: or to the hurt and destruction of any doves, dove-houses, deer, or warren of conies, nor extend to giue or appoint any summe or summes of money to be given, payed, or distributed, to any person or persons, for the head or heads of any buzzard, ringtaile, herne, polecat, fitchew, or fote, taken in any Parke, Warren, or ground, employed to the maintenance of any game of conies, or to anie fatch taken in dove-houses, nor to the killing

of the prouision of the dest. &c. 69
ling or bringing the head of any kite or ra-
uen, killed in any citie or towne corporate,
or within two miles of the same.

The office and duetie of
the Collectors and Ouer-
seers of the poore, settled
*in their abiding
places.*

14. El. ca.
& 18. El.
cap. 3

The Iustices of Peace in all the
Shires of England and Wales,
and the maiors, bailiffes, Sher-
riffes, and other officers of the
cities, boroughs, and franchises whereof
they be Iustices of peace, hauing appointed
within the limites of their seuerall autho-
rities conuenient abiding places for settling
of the poore people, & hauing also assessed
the Inhabitants within the same limites
towards a weekely contribution for the re-
liefe of the same poore people, ought then
also to appoint Collectours and Ouer-
seers for one whole yeare, which saide
Collectours shall gather the saide weeke-
ly contribution, and shall make deliuerie
of so much thereof to the said poore people,
as the saide Iustices, Maiors, Sheriffes,
E 3 Bailiffes,

Bailiffes, and other officers shall appoint them. And if the said Ouerseers shall refuse to be Ouerseers, then euery of them so offending shall forfeit tenne shillings for euery such default. And if any person so appointed to be Collector, shall refuse the saide office, or shall (after he hath agreed to it) neglect the same, he shall loose for euery offence to the vse of the poore of the same place for'tie shillings.

The said Collectors and euery of them, to be chosen, as is aforesaide, shall make their iust account halfe yeerely of their said collection and gathering, to two Iustices of the Peace, dwelling next the saide abiding place or places, not being within any citie, borough, or towne corporate: or to the Maiors or other cheefe Officers of such cities or townes corporate, and when they goe out of their Offices, they shall deliuer or cause to be deliuered forthwith vppon their accounts, all such surplusages of their Collection and gathering, as shall then remaine vndistributed to be ordered by the saide Iustices, Maiors, Bailiffes, or other head Officers, vppon the paine of tenne pounds. If any such Collectors shall refuse to make his saide account, or neglect the same by the space of foure teene dayes after request to him therefore made, then the sayde two Iustices or one of them,

them, may commit the saide Collectour vnto the next Gaole in the saide Countie, there to remaine without either Baile or Suretyse, till he haue made his saide account, and immediate payment, and deliuerie of all such surplusages as he hath received.

No person or persons, hauing charge in any voyage in passing from the realme of Ireland, or from the Isle of Man into the realme of England, doe wittingly, or willingly transport, bring, carrie or conuey, or suffer to be transported, brought, carried, or conueyed, in any ship, picard, vessel, boat, or boates, from and out of the saide realme of Ireland, or from, or out of the saide Isle of Man, into the realme of England or Wales, or any part thereof, any vagabond, rogue, or beggar, or any such as shall be forced, or very like, to liue by begging within the realmes of England or Wales, being borne in the realme of Ireland, or in the saide Isle of Man, on paine of euery such person or persons, so bringing, transporting, carping and conueying, either suffering to be brought, transported, carried, and conueyed in manner and forme aforesaid, to forfeit and lose for euery such vagabond, rogue, beggar, or other person, which shall be forced, or like to liue by begging within this realme of

72 The Office and dutie of the
England or Wales, being transported, and
set on land in any part of England, or of
Wales, twenty shillings of lawfull Eng-
lish money, to the use of the poore of the
same parish in which they were set on land,
to be leuied by the Collectors of the same
poore for the time being, by seisure and sel-
ling of any of the goodes and cattels of the
same person which shall so being, transport,
carry, or conuey any such rogue, vaga-
bond, or beggar, or other persons which
shall be forced or like to liue by begging,
within the realme of England or of Wales
to the value of the same forfeiture.

The office of the Colle- ctors and Gouvernours of the poore.

In euery citie and towne corpo- 18.El.c.3.
rat within this realme, a com-
petent store & stocke of wooll,
henry, flaxe, yron, or other
stuffe by the appointment and order of the
mayor, bailifes, Iustices, or other head offi-
cers, hauing rule in the said citie, or towne
corporate (of themselves, and all other in-
habitants

habitants within their severall authorities, to be taxed, leuied, and gathered) shall bee provided. And that likewise, in euery other Market towne or other place, within euery countie of this Realme, where to the Iustices of the Peace, or greater part of them, in their generall Sessions yearly next after Easter, within euery limite shall be thought meete and conuenient) a like competent store and stocke of Woolle, flaxe, Iron, or other stiffe, as the countrey is most meet for, by appointment and order of the said Iustices of Peace, or the greater part of them in their generall Sessions, (of all the inhabitants within their severall authorities to be taxed, leuied, and gathered) shalbe provided. The said stores and stocks in such Cities and townes corporate, to bee committed to the hands and custodie of such persons, as shall by the Mayor, Bayliffes, Iustices, or other head Officers, hauing authority in euery such City, or Towne Corporate be appointed: and in other Townes and places, to such persons, as to the said Iustices of Peace, or the greater part of them in their said generall Sessions of the peace in their severall Counties shall be by them appointed. Which saide persons so appointed as aforesaid, shall haue power and authority (by the aduise of them who do appoint them) to dispose, order, and giue rules,

74 The Office of the Collectors

rules, for the diuision and manner of wor-
king of the saide stockes and stores, who
shall from henceforth be called, the Col-
lectors and gouernors of the poore, to the
intent euerie such poore and needie per-
son, albe he young, able to doe anie worke,
standing in necessitie of reliefe, shall not
for want of worke goe abroade, eyther
begging, or committing pilferinges, or o-
ther mildemeanour liuing in idlenesse :
which Collectors and Gouernours of the
poore from time to time (as cause requi-
reth) shall and may of the same stocke and
store, deliuer to such poore and needie per-
son, a competent portion, to be wrought
into yarne or other matter, within such
time, and in such sort, as in their discre-
tions shall be from time to time limited and
perfixed, and the same afterwarde being
wrought, to be from time to time deliue-
red to the sayd Collectors and Gouernours
of the poore : for which they shal make pai-
ment to them that worke the same, accor-
ding to the desert of the worke : and shall
as newe deliuer more to bee wrought, and
so from time to time to deliuer stufie vn-
wrought, and to receiue the same againe
wrought, as oft as cause shall require :
which hempe, towell, flaxe or other stufie,
wrought from time to time, shall be solde
by the saide Collectors and Gouernours
of

of the poore, eyther at some Market, or at
 other place, & at such tyme as they shal thinke
 meete, and with the money, comynge of the
 sale, to buy more stuffe, in such wise, as
 the stockes or store shal not be decayed in
 value. And if heereafter any such person
 able to doe any such worke, shall refuse to
 worke, or shall go abroad, begging, or
 liue idely, or taking such worke shal spoile
 or imbel the same, in such wise, that (after
 monition giuen) the Minister or Church-
 wardens of the parish, and Collectors and
 Governours of the poore, or the more part
 of them, shall thinke the same person not
 meete to haue any more worke deliuered
 out of the same store or stocke, that then
 byppon certifiat made vnder their handes,
 and brought by one of the saide Collectors
 and governours of the poore, to the handes
 of such person or persons as shall in that
 countie haue the ouersight and govern-
 ment of one of the houses of Correction, in
 conuenient apparell meete for such a house
 to wear, he, she, or they, from such towne,
 place, parish, shall be receiued into such
 house of Correction, there to be straitly
 kept, as well in diet, as in worke, and also
 punished from tyme to tyme, as to the saide
 persons, hauing the ouersight and govern-
 ment of the said house of Correction shall
 be appointed, as heereafter is declared. All
 which

76 The duties of the Censors and
which stockes and stores, shall be provided
and deliuered to the handes of the said Col-
lectors and gouernours of the poore at all
times hereafter, as occasion shall serue.

The duties of the Censors (or
Wardeins.) and of the Collectors
for the houses of Cor-
rection.



In every countie of this reahme, one, two, or more
abiding houses, or places
conuenient in some Mar-
ket Towne, or corporate
Towne, or other place or
places by purchase, lease, building, or other-
wise, by the appointment & order of the Ju-
stices of peace, or by more part of the in their
generall Sessions (of the inhabitants with
in their severall authorities to be taken, le-
uen, and gathered) shall be provided and
called the house or houses of Correction;
and also stocke and store and implements, to
be in like sort also provided, for setting on
worke and punishing, not onely of those
whom by the Collectors and gouernours of
the poore, for causes aforesaid to the said
houses of correction; shall be brought, but
also

18.El.ca 3

Collectors for the houses of correct. 77

also of such as be or shall be, inhabiting in
no parish, or be, or shalbe taken as Rogues,
or once punished as Rogues, and by reason
of the uncertaintie of their birth, or of their
dwelling by the space of three yeeres, or for
any other cause, ought to be abiding and
kept within the same countie: which said
house or houses of Correction with stocks,
flores, and implementes appointed for
such houses of Correction, shall be provided
in euery countie, within such time as to
the Iustices of Peace, or the more part of
them in their said generall Sessions of the
peace in euerie countie, within their seuerall
jurisdictions, shall be thought meete
and conuenient, so as it exceede not two
yeeres after taxation in such countie for
that purpose made, or else the monie leuied
to be repayed. And that euery person
refusing to pay, or not paying such summe
of money, towardes the making, obtaining
and furnishing of the said houses of Cor-
rection, and buying of stocks and flores,
and for the reliefe and sustentation of such
persons as shall be appointed to the same
houses of Correction, as vpon them or any
of them, shall be by order aforesaide taxed,
and at such time (as by the same order shall
be appointed) shall for euery default forfeit
double so much as he or they shall be so tax-
ed byta. And the said Iustices of peace, or
the

78. The duties of the Censors, and
the more part of them in their said generall
sessions, in euerie countie, shall and may
appoint from time to time, persons which
shall be Ouersers of euerie such house of
Correction, which said persons shall be cal-
led the Censors and Wardens of the hou-
ses of Correction, and shall haue the rule,
gouernment, and order of such houses of
Correction, according to such orders as by
the said Iustices of peace, or the more part
of them in their generall Sessions in euerie
countie, shall be prescribed. And the said
Iustices shall also appoint others for the
gathering of such money, as shall be taxed
vpon any person or persons, within their
seuerall iurisdiccions, towarde the main-
tenance of the said houses of Correction,
which shall be called the Collectors for the
houses of Correction: and if any person or
persons refuse to be Collector and gouer-
nour of the poore, or Censor and Warden,
or Collector of or for anie the houses of
Correction, euerie person so refusing, shall
forsaite and looke the summe of five pound.
And all and singular person and persons,
appointed by the authoritie of this act to
be anie Collector and gouernour of the
poore, or Censor or Warden, or Collector
for any the houses of Correction in anie
countie, citie, towne corporate, or other
place in this Realme, shall as often as they
301 or

Collectors for the houses of correct. 79

or any of them shall be called thereto by the persons hauing the appointment of them, make a iust account of all such summes or summes of money or other things, as they or any of them haue gathered, had, or raised in commoditie, within their seuerall collections or charge: and if anie such Collector, gouernor of the poore, Collector, Censor, or Wardeine of or for the houses of Correction, refuse to make such account, or neglect the same by the space of xiiii. dayes next after request therfore to him made, or shall not within one weeke, after such accompt rendered, peeld and pay the whole arrerages, which he or they (vpon such account) shall be found in, to such person or persons, as they shall be appointed vnto, by them before whom their saide account shall be taken: that then the saide Collector, Gouernor, Censor, or Wardein to be committed to any vsuall Goale, within the saide countie, there to remaine without baile or mainprile, til he haue made his account and paiment of such arrerages as hee hath receiued: vpon the making of which account it shall and may bee lawfull to such persons as haue the appointment of the said Collectors and gouernors of the poore, Censors, Wardens & Collectors of the houses of Correction (euerie of them within their authoritie) to allow, as well
such

So The duties of Censors, &c.
such reasonable allowance to every the said
Collectors and Gouvernors of the poore,
Censors, Wardeins and Collectors of the
houses of correction, for such money as they
or any of them haue employed or disbursed
in the execution of the said severall offices,
as also such reasonable fees and wages
for their pains taken in that behalfe,
as to them shall be thought
convenient and rea-
sonable.

FINIS.

John Tyrer & K. B.

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